

In The Matter Of:

Hayden v.

Butler

Stevens, Ms. Mary

August 28, 2014

Pace Reporting Service, Inc.

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Min-U-Script® with Word Index

Ex. F

1 sense?

2 A It does.

3 Q Okay. Are you under the influence of any drugs or
4 medication today?

5 A No.

6 Q Is there any reason that you know of why you can't
7 participate in this deposition?

8 A No.

9 Q Okay. Then--also, just to state, we understand
10 that you've been produced pursuant to Rule 30(b)(6)
11 and that you represent the Parole Commission. Is
12 that how you understand it?

13 A Yes.

14 Q Okay. Thanks. So what is your position with the
15 Parole Commission?

16 A I am the chief administrator.

17 Q And how long have you been in that capacity?

18 A I've been performing my current job duties since
19 January of 2010. The actual title, it was under--
20 the original title was administrative officer. But
21 our department's personnel reclassified my position
22 in May of 2013 and gave me the working title of
23 chief administrator.

24 Q Did you work at the Parole Commission before

1 A Eighty--1983.

2 Q How is the Parole Commission organized today?

3 A We have four commissioners, one being the chairman.
4 And then I am underneath the chairman.

5 Q Okay.

6 A And then the staff, we have them divided. We have
7 a staff psychologist who reports directly to the
8 chairman. The chairman has a confidential
9 secretary that reports directly to him. Who
10 reports to me are two lead parole case analysts.
11 They are the supervisors of the parole case
12 analysts. I have reporting to me a--the rest of
13 the support staff report to me. And that would be
14 an administrative assistant, three Office Assistant
15 V positions. We have two women that share the
16 telephone receptionist position. We have three
17 processing assistants. Two word processor
18 positions report to me. And one of the parole case
19 ana--two parole case analysts report to me.
20 They're in specialized positions. One handles the
21 misdemeanor driving while impaired population, and
22 the other is a contract position. It's a part-time
23 position.

24 Q How many people total work in the Parole

1 the manual?

2 A The manual is the--the best--outlines our work
3 practices.

4 Q Uh-huh (yes). And you don't keep it anywhere else,
5 that information, your work practices?

6 A Well, when I'm training analysts, we have training
7 manuals that have examples that I would pull out,
8 and we would go over those cases. We learn here by
9 teaching. We would have that.

10 Q Anything else?

11 A They've been--I don't know that they have a
12 complete amount, but we--I have had the staff print
13 them--the e-mails since I've been the
14 administrative officer. I keep finding some that
15 they've missed. But they have tried to put the new
16 analysts I'm training a book together of that.

17 Q Anything else you can think of?

18 A I don't think so.

19 Q Who is the administrative officer? You mentioned
20 that person.

21 A They're--they're--they changed my--the--they
22 reclassified. Yes. Uh-huh (yes).

23 Q So do you still oversee the special programs?

24 A Yes. A special program could be our dri--through

1 call the--a MAPP investigation, Mutual Agreement
2 Parole Program. Or incomplete could be when
3 they're asking for Dr. Lewandowski to do a
4 psychological evaluation. They're basically asking
5 for some type of gathering of information. And--
6 and so that's the difference in them. And then
7 after that investigation is completed or the
8 information they've sought has been obtained, then
9 the analyst will re-present the case in another
10 review to the Commission for their decision.

11 Q What about a DWI coordinator? Is that a position
12 still?

13 A Yes. Well, it's been reclassified to a DWI parole
14 case analyst.

15 Q How do you--

16 A Technically does the same job; it's just--

17 Q Let me back up for a second. How many parole case
18 analysts do you have right now?

19 A Sixteen.

20 Q And how many DWI parole analysts do you have?

21 A One.

22 Q Is that one of the sixteen?

23 A Yes.

24 Q So there's seventeen--

1 and commitment or something and tell the analyst
2 that there's been an amended--the computer record
3 will show what has changed.

4 Q Uh-huh (yes). And when--how does a parole case
5 analyst work a case that's eligible for parole? So
6 say it's a case review. What does the parole case
7 analyst do?

8 A The analyst will--

9 Q I'm talking about a Parole Case Analyst II.

10 A The analyst--the first time the offender comes up
11 for review--the earliest is sixty days before the
12 parole eligibility date or it could be at the
13 parole eligibility. We had a chairman that only
14 wanted to see them at the parole eligibility date.
15 But they--the analyst will basically research the
16 record. They will review computer records and the
17 inmate file that we see in OmniDocs and will write
18 up a review in the computer system, a written
19 review, using specific criteria that the Commission
20 has said they want to know about a case.

21 They will write a written case
22 presentation that we call parole reviews to the
23 Commission, and they would make a recommendation in
24 the review on what their recommendation is.

- 1 investigation only?
- 2 A Yes.
- 3 Q And the victim gets it at every single review--
- 4 A Yes.
- 5 Q --before the review?
- 6 A Any active victim, yes, since December 2012.
- 7 Q How does a victim become an active victim?
- 8 A They have sent a written request to be registered
- 9 with the department as a victim. And when I
- 10 mentioned--there are some--we have entered some
- 11 sheriffs in the system based on prior instructions
- 12 of a prior chairman. Chairman Mann instructed
- 13 analysts to do that.
- 14 Q Do--does a parole case analyst ever investigate a
- 15 release plan if there hasn't been an investigation?
- 16 A No.
- 17 Q And how exactly does it come to be that a case is
- 18 being investigated for parole?
- 19 A The commissioners must by majority vote vote to
- 20 investigate for parole.
- 21 Q Do commissioners ever vote to grant parole without
- 22 an investigation?
- 23 A They do on the misdemeanor DWI population that's
- 24 being paroled to a treatment--to the treatment

1 regular rules that a state worker might, meaning
2 the person is hired at the--the chairman hires that
3 position. And if the chairman leaves, that
4 position doesn't have the same state rights to
5 employment.

6 Q Okay. Are there any other positions in the office
7 that we haven't talked about?

8 A I don't think so.

9 Q Back to the parole analyst. I'm wondering what
10 their caseload looks like, like the volume of work
11 that they have. So if you could tell me about the
12 number of parole-eligible inmates they have, the
13 number of--and the other types of work that they do
14 'cause I know that there's a lot of different
15 things that they also do.

16 A I can't divide it up between parole or post-
17 release. I can give you a figure on their
18 caseload, their number.

19 Q Okay.

20 A The Parole Case Analyst IIs that have the--that can
21 handle anything--

22 Q Yeah.

23 A --their caseloads right now are around four
24 thousand three hundred and thirty-eight each--each

1 except for the part-time. He--he handles--he
2 works--he has a thousand cases less than that
3 because he works about--he works seventy-five
4 percent of their time. So he's got seventy-five
5 percent of the caseload. The DWI parole case
6 analyst has eight hundred and fifty cases. Her
7 caseload will probably go up since they're putting
8 female DWIs with her now. And I have no idea what
9 it would go up to.

10 The Parole Case Analyst Is that handle
11 what I said the JRA caseload, they have about a
12 thousand seven hundred cases each. We have one--
13 one of the analysts that's one of the Parole Case
14 Analyst IIs is one of the recent positions hired,
15 and they have half of a caseload. One of the other
16 supervisors has the other half of the four thousand
17 three hundred. So they have--they have about two
18 thousand one hundred cases. We're going to
19 transfer the rest of that supervisor's caseload
20 into them within the next thirty days.

21 Q Okay.

22 A The--the analysts being trained, we're training
23 them--they have twenty-five cases or less--up to
24 twenty-five cases. We don't give them a caseload

1 Q Figuring out the eligibility date and--

2 A And they would enter that information on the
3 computer in an event we call eligibility
4 certification. They would explain the eligibility.
5 And the computer should match the eligibility. If
6 it doesn't, they have to bring it to me.

7 Q What's the volume of work that the psychologist
8 has?

9 A I don't know the answer to that. There probably at
10 any time are more mental health aftercare reque--
11 that's what we call it--requests, memos that he has
12 to do versus psychological evaluations. But how
13 many he has pending in either category I don't
14 know. I think he also in early medical release
15 will--he is involved in--when they are looking--
16 when prisons is looking at those cases, he may go
17 out to a prison facility with a prison staff person
18 to interview the inmate. So, I mean, that's--but
19 how many he does I don't know.

20 Q What are the job qualifications for a parole
21 analyst?

22 A For the Parole Case Analyst I level, it's--it's
23 written that they have a four-year college degree
24 plus three years work experience in probation/

1 parole or in criminal--in a criminal justice field
2 with knowledge of sentencing laws and statutes or a
3 combination of education and work experience. We
4 have to write that in job descriptions. Could be a
5 combination. The Parole Case Analyst II has the
6 same qualifications except the work experience is
7 five years. And the Parole Case Analyst III is the
8 same qualifications with the work experience being
9 six years.

10 Q Who participates in the hiring process?

11 A I--one of the lead parole case analysts could be
12 involved or a commissioner could be involved or
13 form--we have had a former parole case analyst
14 involved in the interview process. The chairman is
15 the hiring authority, so it's his decision. And
16 the administrative assistant as I said does the
17 paperwork. And I'm generally the--I can serve on
18 the interview team or I have--I generally do the
19 questions, and we do a writing test. I prepare all
20 that and the--how you score it, how we score.

21 Q Does the chairman sit in on interviews then?

22 A No. As hiring authority, he's--the department does
23 not want them to be a part of the interview team.
24 So it would be--generally it's a commissioner and

1 me or a lead parole case analyst. We have had--
2 someone in community supervision has sat in on past
3 interviews also. One of their--one of their
4 directors has done it. Usually the panel is either
5 two or three people sitting on the interview team.

6 Q And you've talked a little bit about training, but
7 now I'm going to ask you about training that you
8 give to parole case analysts. How--how do you
9 begin the training process for a new hire?

10 A The--we have--the parole case analyst begins their
11 training as an in-house training, but they also are
12 required to do training that the department
13 requires of state employees. So it could be--it
14 varies per person depending on their work
15 experience on what they would need department-wise.
16 I mean, the department has certain classes they
17 require of any employee depending on where you come
18 from. I mean, it could be something like ethics
19 training or it could be something as simple--
20 recently we had to do training of how to use our
21 new telephone system. I mean, it could be going to
22 a class somewhere or it could be a training module
23 or just--you do them over the computer.

24 The in-house training for analysts that I

1 am--the two lead parole case analysts would
2 participate in some of the training is--generally
3 it takes four to six months to train an analyst to
4 assume a caseload, four months if you're assuming
5 the JRA caseload, the Parole Case Analyst I
6 caseload. But for the Parole Case Analyst II
7 position, it's generally a six-month training.

8 Q What are they doing during those four--let's talk
9 about Parole Case Analyst II. What are they doing
10 for those six months while they're being trained?

11 A Well, you first--the first training is explaining
12 to them the history of the Parole Commission, the
13 organization structure or how--how--in general
14 the--how business is done. And we--post--post-
15 release is probably the first--is the easiest type
16 of release that's--that we do, and so we spend a
17 long time on that because that's a big part of the
18 inmate caseload, the inmates in prison right now.
19 And we just--they learn how to handle a case from
20 it being a new admission all the way through
21 release. We're basically using the manual as the--
22 to get the outline, and then we use examples--I use
23 examples to show them how to do it. And then they
24 practice, and--and I or one of the supervisors have

1 A Yes. And combined records also enters the length
2 on the computer. They can see it on a computer
3 screen also, because you need that length to
4 calculate release dates of inmates or parole
5 eligibility dates.

6 Q Is that the same for the crime, the conviction and
7 the date of admission? Does that come from
8 combined records?

9 A The date of admission is probably entered by the
10 diagnostic center when someone comes to prison.
11 That's probably where that information comes from.
12 It's a movement in the prison, so that's where the
13 date comes from.

14 Q And the crime, the conviction comes from combined
15 records?

16 A I believe that a prison unit will originally enter
17 some of the prison information from the judgment
18 and commitment, 'cause the judgment and commitment
19 comes with the inmate to the prison facility. I
20 don't know who at the prison unit enters it. I
21 don't know their title. Combined records audits
22 the information, meaning they may change it or
23 leave it as-is. But they are looking to make--and
24 they're looking to make it correct.

1 center, like what their level is when they come in.

2 Q So most of the information that a parole case
3 analyst is pulling comes from these--these prison
4 screens?

5 A Yes.

6 Q They're kind of just summarizing it and bringing it
7 all together?

8 A Yes. And there--I mean, there can be--there are
9 analysts--also there are probation screens that
10 they--if someone has a probation history--they
11 might not can see everything. They can't see the
12 narratives of what maybe an officer said about the
13 case as they were supervising them. But they can
14 see if they still are on probation or if--what
15 their violations were when they were on probation.
16 They can see things like that.

17 Q Yeah.

18 A So they are reviewing probation screens too.

19 Q Okay. Probation screens and prison screens.

20 A And prison screens.

21 Q Does probation use the same computer system?

22 A Yes. Every--it's OPUS--the whole department uses
23 OPUS for offenders.

24 Q And the thing about OPUS is--well--

1 Q And a little above that where it says "Parole
2 denied," next to it is the name of two--two people.

3 A The--those are commissioners. I don't know if they
4 are the commissioners who voted or they are the
5 commissioners whose names the computer picked to
6 vote. I don't know which.

7 Q What's the difference?

8 A It could be different--I mean, the computer will
9 pick--the analyst, when they're presenting it,
10 they'll hit a button, and it picks commissioners to
11 vote. The commissioners have for many years agreed
12 they would vote for each other. And so depending
13 on who's here, that's what our Office Assistant Vs
14 do. They move the files--just a very small file
15 just so the commissioners know they need to vote.
16 And they will vote. So I--

17 Q Now, how many total people--commissioners vote on
18 each case?

19 A It's always been--the law requires by majority. So
20 there have been times when the Commission--there
21 were only three commissioners, so you're going to
22 see two out of three votes. Currently there are
23 four commissioners, so it requires three out of
24 four votes.

- 1 A They have to work here--they have to work in
2 Raleigh here in the office. They vote through a
3 computer here. They work--they--Monday through
4 Friday, anytime between seven-thirty and six
5 they'll--one or two of them will be here. They are
6 on call after hours also and on weekends in case--
7 they have to be available in case offenders that
8 are on supervision violate. Officers call them for
9 emergency warrant requests. But we don't--they
10 don't work from their home in other words or--or--
11 Q But do they--do they work a full-time schedule?
12 A Yes. They were--the commissioners were part-time--
13 I don't remember if it was 2013 or '12 they became
14 full-time. I want to say it was 2012. The
15 legislature changed the positions back to full-time
16 positions. Even though one of them worked here
17 full-time, he was only paid as a part-time
18 commissioner.
19 Q Okay. And what are their tasks while they're in
20 the office?
21 A They monitor the computer. They are voting both on
22 cases that analysts are presenting to them for
23 decisions, and they're also looking at the
24 violations screen, where officers are reporting

1 violation or noncompliance or requests for
2 modifications to them on that computer. And our
3 support staff are watching the computer, not the
4 analyst side but the violations side, and they have
5 to help them activate decisions. The commissioners
6 want their violations handled before they leave
7 each day. So there--

8 Q What do they have to do with violations?

9 A They read what--the report that the officer is
10 saying what's going on. And the officer's making a
11 recommendation if they want the Commission to
12 change a supervision condition or if they want a
13 warrant. And the commissioners agree--just like
14 with analysts--may agree or disagree or they'll
15 write out what their vote is.

16 Q Do you have any idea what their volume of work is
17 in a given day?

18 A At any given time they could have a hundred cases
19 in front of the Commission from the analysts. The
20 violation screen vary. Usually late Friday
21 afternoon they get a lot of requests for warrants.
22 But, I mean, it's a constant during the day. As
23 far as the number, the--this--our chairman keeps up
24 with some statistics. And like as of this week,

1 the analysts have--the Commission has voted on the
2 analyst cases. I think it was like fifteen
3 thousand two hundred and some cases that they've
4 reviewed and voted on in some way this year. So
5 it's running at least two thousand a month of cases
6 they're voting from analysts.

7 And that's not the other work they do.
8 They're--they also on Tuesdays have the meetings.
9 Wednesday they do vi--violation hearings by
10 videoconference. They used to go to Central Prison
11 and hold those. They're not every case that's in
12 violation. It's just the ones where the offender
13 has asked for a commissioner to hear their
14 violation is the ones that appear over the
15 videoconference. And they are--they probably are
16 about thirteen a week of those. Some weeks it got
17 pretty bad. There was--like morning and afternoon,
18 there was like twenty-six in a day. And I think
19 the commissioners split. One did the morning, and
20 one did the afternoon.

21 But it--they're seeing this because of
22 justice reinvestment. They can't--they have to
23 sometimes revoke people in partial amounts, like
24 ninety days instead of--it doesn't affect the old--

1 routing slip on it and maybe something--the
2 judgment and commitment might be made a copy of and
3 sent to the commissioners so they would know that
4 this is their case to vote on, 'cause there will be
5 a hundred cases maybe on the computer, but they
6 need to know which ones they need to vote on.

7 Q Uh-huh (yes). Do they dedicate certain days to
8 voting on--on parole, or do they just do it in
9 between all the--the schedule that you mentioned?

10 A They're voting all during the day. They don't say
11 "I'm just going to vote on parole today." They--
12 anything the analyst sends them they will vote.
13 They'll--they get that--so they might vote on a
14 parole case, and the next case is a post-release,
15 and the next case is a DWI. It doesn't matter to
16 them.

17 Q Uh-huh (yes). And how long does it take?

18 A It varies. I mean, a DWI that doesn't have enough
19 time, it's just simply them reading it and hitting
20 the button, because there's not another choice if
21 you don't have time to go. A parole case may--some
22 they just leave on their desk and think about it.
23 I mean, they--some they might get up and go talk.
24 I mean, they don't--parole cases probably would

1 A They depend on the parole case--that's--they want
2 the parole case analyst to--to bring the case to
3 their attention and to--if they--they don't have
4 the information they need--maybe they read
5 something and it stirs--they want some more
6 information about that issue. They'll tell the
7 analyst, and the analyst will go get the
8 information for them.

9 Q Do the parole commissioners have access to OmniDocs
10 to like look at the whole file?

11 A They do. They don't necess--they don't necessarily
12 want to go in and do that because some of the
13 records are huge. I mean, they vary in length.
14 But they do have access. They can click a button--
15 the computer people have designed where they can
16 click a button and it takes them to the inmate
17 file. So they can look up something if they choose
18 to.

19 Q Do they do anything differently when they're
20 considering someone who was a juvenile when they
21 committed their crime?

22 A They--they don't use any different process, no.

23 Q All right. You said that the confidential
24 secretary took daily statistical reports.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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C E R T I F I C A T E

I, Brandy Anderson Sadler, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify depositions, do hereby certify that on August 28, 2014, MARY STEVENS, being by me duly sworn to tell the truth, thereupon testified as above set forth as found in the preceding 119 pages, her examination being reported by me verbatim and then reduced to typewritten form under my direct supervision; that the foregoing is a true and correct transcript of said proceedings to the best of my ability and understanding; that I am not related to any of the parties to this action; that I am not interested in the outcome of this case; that I am not of counsel nor in the employ of any of the parties to this action, and that signature of the witness was waived.

IN WITNESS WHEREOF, I have hereto set my hand, this the 19th day of September 2014.

Notary Public
Notary No. 20010500227

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Stevens

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